

IN THE SENATE OF THE UNITED STATES.

JANUARY 31, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. 672.]

The Committee on Military Affairs, to which was referred the bill (S. 672) granting an honorable discharge to Bennett Dorsey, have duly considered the same and submit the following report:

Accompanying this bill was the stereotyped petition with printed heading, signed by the claimant by his attorney, and without date, and without any affidavit attached, in which he states:

On the last day of March, 1864, he enlisted in Battery A, First Arkansas Light Artillery, and served with fidelity until the 24th day of September, 1864; that he was compelled to leave his regiment under the following circumstances and without any intention of deserting: His sergeant and officers were constantly annoying, abusing, irritating, threatening, and persecuting him, putting him in jeopardy of his life by drawing dangerous weapons on him; that the officers afforded him no protection whatsoever from these assaults, and that he concluded flight was his only refuge from such continual and persistent torments; that he left his command, and in two days was taken prisoner by the rebels within the Federal lines, and after his release he was afraid to return to his regiment for the reasons above enumerated. Your petitioner further solemnly protests that his motive for leaving his regiment was for a deliverance from an intolerable persecution, and not for the purpose of deserting. He also deeply feels that the stigma of desertion standing against his name is unjust, undeserved, and not in accordance with the circumstances attending his absence.

Your committee referred the bill to the Secretary of War for information and report and received in reply the following letter and accompanying report:

WAR DEPARTMENT,
Washington City, July 11, 1890.

SIR: In reply to your request of the 9th instant for information upon Senate bill 672, Fifty-first Congress, first session, to provide for the relief of Bennett Dorsey, Company A, First Arkansas Light Artillery, I have the honor to inclose a report from the office in charge of the record and pension division of this Department.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Case of Bennett Dorsey, late of Battery A, First Arkansas Light Artillery.

Bennett Dorsey, private, First Battery, Arkansas Light Artillery, was enrolled at Fayetteville, Ark., March 1, 1864, to serve 3 years, and is reported present on the muster rolls of battery to August 31, 1864. On roll for September and October, 1864, he is reported "deserted September 16, 1864, at Fort Smith, Ark." His name

is dropped from all subsequent rolls until the muster-out roll of battery, dated August 10, 1865, which reports him "deserted September 25, 1864, at Fort Smith, Ark." On the battery return for September, 1864, he is reported "absent without leave since September 22, 1864," and for October, 1864, "deserted September 1, 1864."

Under date of May 4, 1889, the authorized attorney in the case was informed by indorsement that the provisions of the act of Congress approved March 2, 1889, do not cover this case, for the reason that this soldier deserted September 16, 1864, and never returned.

Since the date of the foregoing decision no testimony has been presented in this case. Respectfully submitted.

F. C. AINSWORTH,

Captain and Assistant Surgeon, U. S. A.

RECORD AND PENSION DIVISION, *July 11, 1890.*

THE SECRETARY OF WAR.

The official record shows him enlisted March 1, 1864, to serve 3 years, and that he deserted at Fort Smith, Ark., September 25, 1864, and that his command was continued in the service until August 10, 1865; that he never returned to his company, and, so far as the record shows, never reported the reasons for his absence or gave any explanation, and quietly, and apparently satisfied and contented, rested under the stigma of the charge of desertion until 1889, over 24 years, and then upon his own statement, by attorney, expects Congress to remove the charge and give him pay and rights to pension, bounty, etc., when he had only served about 6 months, and had then, according to his own petition and statements, intentionally left his command without any expectation of returning. This petition clearly indicates that he had no intention of returning to his command.

Your committee therefore report the bill back to the Senate adversely, and recommend that the bill be indefinitely postponed and the relief prayed for be not granted.